
Public Hearing: Zoning Ordinance Amendments

Demolition and Dwelling Unit Controls (BMC 23.326)

Justin Horner • Planning Commission • January 17 2024

Overview

1. Background and Timeline
 2. Review of Revised Ordinance
 3. Review of Subcommittee Changes
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Background

- SB 330 (Housing Crisis Act of 2019)
- 4x4 Joint Task Force Committee on Housing
- Planning Commission Subcommittee
- Text edits

Timeline

February 2023
Planning Commission

September & October 2023
4x4 Committee

December 6, 2023
Planning Commission

December 20, 2023
Subcommittee Meeting

December 6 Proposal: Major Elements

		Current Ordinance	Proposed Ordinance
1	Applicable Unit	Dwelling unit or units.	Dwelling unit, GLA, residential hotel rooms, ADU, JADU and units built without permit.
2	Mitigation Fee	Includes mitigation fee option.	Removes mitigation fee option; all demolished units must be replaced.
3	Replacement Units	BMR in perpetuity; Affordability levels set by City Council resolution; Regulatory agreements with the City required.	Replacement units must comply with BMC 23.328 (Affordability Requirements) and 23.330 (Density Bonus); Demolished units with household at 50% AMI or below: unit must be offered at 30% AMI.
4	Sitting Tenants' Rights	Right of first refusal to move into <i>new building</i> Right of first refusal for BMR units Income restrictions do not apply	Right of first refusal for <i>comparable unit</i> Rent is controlled for duration of tenancy; Households ineligible for BMR units return at prior rent.

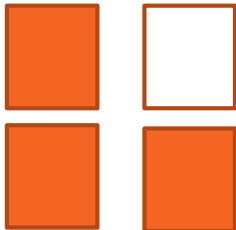
Proposed Changes: Subcommittee

		December 6 Proposal	Subcommittee Change
1	Demolition of Single-Family Dwellings	No change. (Demo with UP)	Zoning Certificate. (If increasing density)
2	Demolition of Residential Units for Non-Residential Projects	Permitted; replacement not required.	Replacement required. (AB 1218)
3	“Equivalent” Units	Includes “equivalent,” without definition.	Replaced with “comparable,” which is defined.
4	Tenant Intent to Return	Tenants have until unit is “ready” to express intent.	Owner notification requirement and deadline of 20 days after Certificate of Occupancy.

Proposed Changes: Subcommittee

		December 6 Proposal	Subcommittee Change
5	Combination of Units, Findings	Permitted for bathrooms, kitchenettes, accessibility or seismic safety.	Adds “other elements required by funding sources or programmatic needs.”
6	Combination of Units, Applicant Requirements	Requires “applicant” to have occupied unit for two years and to occupy it for two years after combination.	Replaced with “owner.”

Example: Demolition of SFH for Fourplex



Right of first refusal
Rent at prior rent
Rent controlled

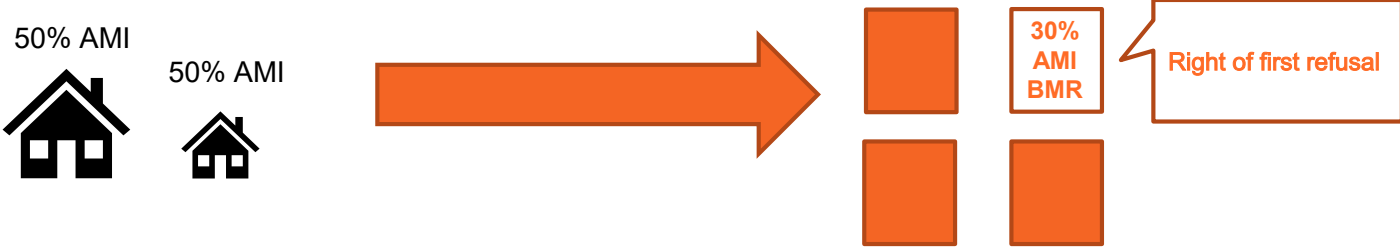
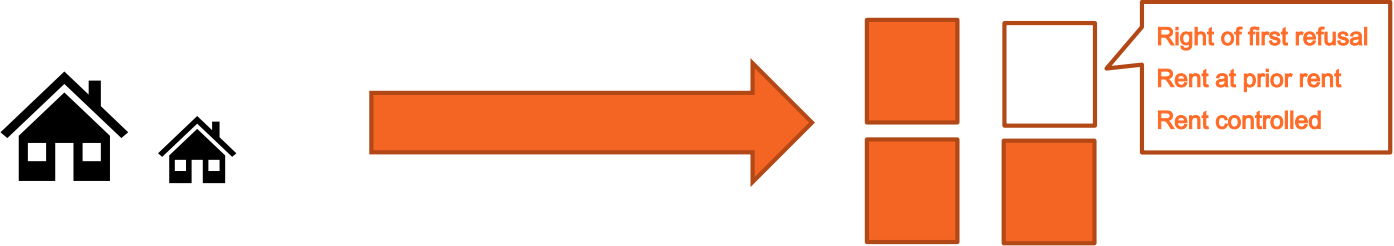
50% AMI



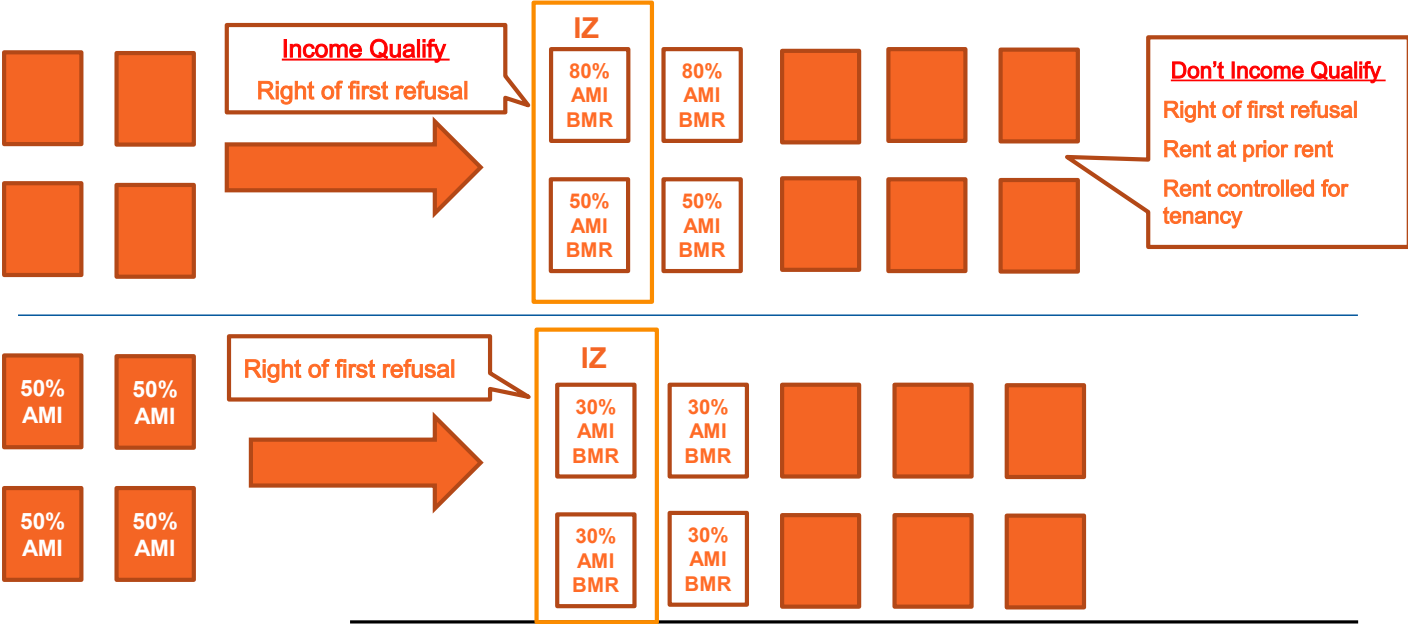
Right of first refusal



Example: Demolition of SFH + ADU for Fourplex



Example: Demolition of Fourplex for Ten Units



Recommended Text Change #1

23.326.020.A.2 – General Requirements

2. “Residential Unit” includes any Accessory Dwelling Unit or Junior Accessory Dwelling Unit to the ~~requirements below, the Zoning Adjustments Board (ZAB) may approve an~~ extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to any Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is removed from the rental market. ~~An Accessory Dwelling Unit or Junior Accessory Dwelling Unit~~

Recommended Text Change #2

23.326.030.D – General Requirements

D. Conditions of Approval Any Residential Unit(s) that will be demolished shall be replaced with comparable affordable units ~~and that~~ comply with applicable the affordability requirements in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time.

Discussion
